

Waltham City Council  
Minutes of the Meeting of  
September 26, 2022

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President McMenimen called the meeting to order at 7:35 p.m.

Present: Councillors Bradley-MacArthur, Darcy, Harris, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley, Vidal and President McMenimen.

Absent: Dunn, Durkee, Katz.

City Clerk Vizard recited the Council Prayer followed by President McMenimen leading all present in the Pledge of Allegiance. Councillor Harris asked for a moment of silence for all military that have served past and present. Councillor LeBlanc asked for a moment of silence for Michael (Mike) Nedza of the Wires Department.

Councillor McLaughlin moved approval of the regular meeting minutes of 9/12/2022. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin moved approval of the Executive Session meeting minutes of 9/12/2022. The motion was adopted by a voice vote and the matter was approved. Councillor McLaughlin made a motion to send the Executive Session meeting minutes of 9/12/2022 to the Law Department. The motion was adopted by a voice vote and the matter was approved.

### **Applications and Licenses**

All Applications and Licenses referred to the Licenses and Franchises Committee.

- Renewal of Class 2 License – 712 Moody Street – DW Enterprise dba Waltham Auto Gallery
- Renewal of Class 2 License – 103 Felton Street – Sideris Automotive Services, Inc dba Three Sons Auto Body
- Renewal of Class 2 License – 255 Newton Street – Newton Street Service
- Renewal of Class 2 License – 44 Charles Street – P.P.A., Inc. dba Waltham Motor Group
- Renewal License for Extended Retail Hours – 881 Moody Street – Burger King
- Renewal License for Extended Retail Hours – 12 Harvard Street - CVS Pharmacy #114
- Renewal License for Extended Retail Hours – 34-36 Elm Street – Despensa Familiar, Inc.
- Renewal License for Extended Retail Hours – 677 Moody Street - Dragon Chef Inc.
- Renewal License for Extended Retail Hours – 591 Moody Street – 7-Eleven # 37504A
- Massport Letter Application – ZS Limousine Inc. – 1504 Stearns Hill Road

### **Communications from the Mayor**

1. The Mayor respectfully requested the acceptance of a curio cabinet from Gail Drakos for the City Hall Museum. Referred to the Finance Committee

2. The Mayor respectfully requested the transfer of funds in the amount of \$463,430.00 for the replacement of eight (8) police cruisers and that this be acted upon without Committee reference. Councillor LaCava moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor LaCava moved to suspend Rule 9 to hear from off Committee members. The motion was approved by a voice vote. Kevin O'Connell, Chief of Police for the Waltham Police Department spoke on the matter and the time sensitivity of getting the approval. Councillor McLaughlin echoed sentiments about the time sensitivity.

Councillor LaFauci asked about a delivery date. Chief O'Connell stated December. Councillor Bradley-MacArthur asked if the vehicles were available full electric. Chief O'Connell said he did not think that full electric vehicles were available but he would check and get back to the Council. With no additional questions from Councillors, Councillor LaCava moved for approval. The motion was adopted by a voice vote and the matter was approved.

### **Resolutions, Orders and Ordinances**

- Creating a Safe and Separate Bicycle and Pedestrian Path along Lexington Street from Trapelo Road to Beaver Street and on to the Central Mass Rail Trail Resolution

Clerk Vizard read the Resolution. Councillor Darcy rose to say Councillor Paz would like to sign the Resolution. Councillor Darcy spoke on the Resolution explaining that he had originally submitted it to the Traffic Commission in 2019 and there were no results, so he resubmitted in it to the Traffic Commission and they recommended that he submit it to the City Council with the request to have a feasibility study conducted. Councillor LaFauci rose to a Point of Order expressing his frustration with the filing of the Resolution. He spoke about concerns on how the Resolution was communicated to only a few Councillors. Councillor Darcy explained his process of filing and stressed that he sent the Resolution to the Councillors who's Wards were affected within the area that the Resolution covered. President McMenimen ruled the Resolution out of order based on the timing and filing of the Resolution. President McMenimen took a poll by hand count of how many Councillors received the Communication on the Resolution. Four Councillors raised their hands. These Councillors were also members of the same committee. President McMenimen reminded everyone of the Open Law Training given over the summer. President McMenimen ruled the Resolution Out of Order and suggested that Councillor Darcy resubmit the Resolution again in two weeks after proper distribution.

### **Committee Reports**

#### **Licenses and Franchises Committee**

1. The Licenses and Franchises Committee recommended the Grant of Location for National Grid at Waverley Oaks, Trapelo Road and Brookfield Road be approved. Councillor Vidal moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
2. The Licenses and Franchises Committee recommended the Grant of Location for Eversource at Waverley Oaks and Brookfield Roads be approved. Councillor Vidal moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
3. The Licenses and Franchises Committee recommended the Fuel Storage License for Alexandria Real Estate Equities, Inc at 235 & 231 Second Avenue be approved. Councillor Vidal moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
4. The Licenses and Franchises Committee recommended the Fuel Storage License for 275 Wyman LLC, c/o Hobbs Brook Real Estate LLC at 225 Wyman Street be approved. Councillor Vidal moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

5. The Licenses and Franchises Committee recommended the Renewal of Class 2 License at 935R Main Street for Pilicy Auto & Yacht Inc-Xpilicy Auto Sales be approved. Councillor Vidal moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

6. The Licenses and Franchises Committee recommended the Second Hand Dealers License at 318 Moody Street for Quality Designz, Inc. be approved. Councillor Vidal moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

### **Ordinances & Rules Committee**

1. The Ordinances and Rules Committee recommended the Minor Modification to Special Permit at 135 Second Avenue – KW Waltham, LLC. be approved. Councillor Darcy moved that the action of the Committee be the action of the Council. Roll Call required.

In favor: Councillors Bradley-MacArthur, Darcy, Harris, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: Dunn, Durkee, Katz.

Presiding: McMenimen.

Matter was approved 11-0-3.

### **Long Term Debt & Capital Planning Committee**

1. The Long Term Debt & Capital Planning Committee recommended approval of a loan authorization in the amount of \$1,700,000.00 to be used for the purchase of replacement trucks and vehicles for the Street/Water/Sewer Divisions of the Consolidated Public Works Department be approved for a first reading. Councillor O'Brien moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved. Councillor O'Brien moved to table the matter. The motion was adopted by a voice vote and the matter was tabled on the Council floor.

### **Finance**

1. The Finance Committee recommended the acceptance of a citation from Governor Baker and Lieutenant Governor Polito for the 135<sup>th</sup> Anniversary of the City given to the Waltham Parade Committee be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

2. The Finance Committee recommended the acceptance of magnet, notepad, pen, and a cup from the Brandeis University Waltham Group for their 50<sup>th</sup> Anniversary be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

3. The Finance Committee recommended the acceptance of a photograph of women safety officers donated by Mary Ellen Ryan be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

4. The Finance Committee recommended the acceptance of three phone books from Patty and Bill Strom for the phone booth in the City Hall Museum Room be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
5. The Finance Committee recommended the acceptance of several gifts donated by Mary Ellen Ryan for the Waltham Museum Room be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
6. The Finance Committee recommended the transfer of funds in the amount of \$124,000 to fund the abatement and demolition of the building located at 625 Moody Street and the Leary Field buildings (field house, concession stand and two ticket booths) located at 45 Athletic Field Road be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
7. The Finance Committee recommended the approval of a financing transaction in the total amount of \$197,500 to fund the Chesterbrook storm water project be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
8. The Finance Committee recommended the requests for the use of the American Rescue Plan Act (ARPA) funds in the amount of \$1,820,522 for the replacement of portable radios for both the Fire and Police Departments be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
9. The Finance Committee recommended the acceptance of a donation of time from Brown and Caldwell to assist the City with an application for the FY 2022-2023 MS4 Municipal Assistance Grant to develop better web-based tools for MS4 compliance be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
10. The Finance Committee recommended the transfer of funds in the amount of \$3,500.00 to perform the highest and best use of appraisal of the Fitch School be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
11. The Finance Committee recommended the transfer of funds in the amount of \$4,500.00 to be combined with an existing \$510.00 to install signage at the Library Parking Lot on Exchange Street be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.
12. The Finance Committee recommended the transfer of funds in the amount of \$25,000.00 for general expenses (advertising) for the Zoning Board of Appeals (ZBA) to be incurred in

FY2023 be approved. Councillor LaCava moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

### **Committee of the Whole**

1. The Committee of the Whole recommended the Mayor's request to have Chris P. Hesse address the Council regarding municipal light posts and traffic control etc. be filed. Councillor McLaughlin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was filed.

2. The Committee of the Whole recommended the Joint Meeting Resolution be filed without prejudice. Councillor McLaughlin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was filed without prejudice.

3. The Committee of the Whole recommended the site visit to 554 Lexington Street to view the site of the new High School be filed. Councillor McLaughlin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was filed.

4. The Committee of the Whole recommended the transfer of the care, custody and control of the records from the City's Recreation Department to the City Clerk for safe keeping in the Rosario Malone Archives Center be approved. Councillor McLaughlin moved that the action of the Committee be the action of the Council. The motion was adopted by a voice vote and the matter was approved.

5. The Committee of the Whole recommended the care, custody and control of the land at 240 Beaver Street be transferred to the Consolidated Public Works Department be approved. Councillor LeBlanc recused himself. Councillor Darcy rose to explain why he would not be supporting the motion. He explained that he thinks the care, custody and control should be transferred to the Conservation Committee or a newly developed Agricultural Board. Councillor McLaughlin moved that the action of the Committee be the action of the Council. Roll Call required.

In favor: Councillors Bradley-MacArthur, Harris, LaCava, LaFauci, McLaughlin, O'Brien, Paz, Stanley, Vidal and McMenimen.

Opposed: Darcy.

Absent: Dunn, Durkee, Katz.

Recused: LeBlanc.

Matter was approved 10-1-3-1.

6. The Committee of the Whole recommended the care, custody and control of the administration building at 240 Beaver Street be transferred to the Building Department and its future successor, the Building Maintenance Department be approved. McLaughlin moved that the action of the Committee be the action of the Council. Roll Call required.

In favor: Councillors Bradley-MacArthur, Darcy, Harris, LaCava, LaFauci, McLaughlin, O'Brien, Paz, Stanley, Vidal and McMenimen.

Opposed: None.

Absent: Dunn, Durkee, Katz.

Recused: LeBlanc.

Matter was approved 11-0-3-1.

### **Unfinished Business & Other Business**

1. Extension of Time for Special Permit Application at 1345-1349 Main Street & 22 Bear Hill Road, LPC Northeast L.L.C. (October 26, 2022)

Councillor Darcy moved to suspend Rule 39 to act on the matter without Committee reference. The motion was approved by a voice vote. Councillor Darcy move for approval. Roll call required.

In favor: Councillors Bradley-MacArthur, Darcy, Harris, LaCava, LaFauci, LeBlanc, McLaughlin, O'Brien, Paz, Stanley and Vidal.

Opposed: None.

Absent: Dunn, Durkee, Katz.

Presiding: McMenimen.

Matter was approved 11-0-3.

2. Minor Modification for Special Permit Order #35165 for Colbea Enterprises, LLC at 225 Waverly Oaks Road. Referred to the Ordinances and Rules Committee.

Councillor Lacava moved to discharge the Mayor's Communication requesting the acceptance of a curio cabinet from Gail Drakos for the City Hall Museum from the Finance Committee. The motion was approved by a voice vote. Councillor LaCava moved approval of the cabinet. The motion was approved by a voice vote and the matter was approved.

Councillor LeBlanc addressed the Council to let them know he had delivered Master Plan books to the Committee and had copies for all Councillors that would be placed in their mailboxes. He mentioned the upcoming Master Plan meetings, places and dates.

Councillor Vidal noted that the list of renewals in the Licenses and Franchises committee was abundant and suggested that each Councillor take a look to see which ones were in their wards and if they have comments or concerns to get back to him before the next Committee meeting. Councillor Vidal spoke of a work opportunity he had been invited to in Los Angeles, California

Councillor McMenimen mentioned the recent outreach meeting at Brandeis University that had been postponed. It will be rescheduled for a later time and date that suits the Councillors work schedules.

With no further matters Councillor McLaughlin moved to adjourn. The motion was approved by a voice vote. President McMenimen declared the meeting adjourned at 8:20 p.m.

Respectfully submitted by:

Cathy Magliarditi

Executive Assistant to the City Clerk

October 3, 2022